

## **EXHIBIT N**

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
CIVIL ACTION NO. 07-CV-03907(BSJ) (JCF)

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EASYTEX CORPORATION LIMITED,

Plaintiff,

v.

PETER & FRANK OF NY, CORP,  
CHUL KYU KIM a/k/a KIM CHUL KYU,  
a/k/a CHUK CHUL KIM a/k/a ROBERT  
CHUL KIM a/k/a CHUL KYOO KIM a/k/a  
CHULKYOO KIM a/k/a KIM K. CHUL,  
BARO SHIPPING CO., LTD., TOP TON  
TRANS, INC., GFA, INC., 3 WIN INC.,  
MERCURY, AMERICAN INTERNATIONAL LINE,  
INC., SOON CHAN HONG a/k/a SOON C. HONG,  
a/k/a SOONCHAN C. HONG, a/k/a SOON CHAN  
HONG, a/k/a CHAN S. HONG a/k/a HONG S.  
CHAN, a/k/a HONG SOON CHANG, d/b/a  
SOONCHAN HONG CUSTOM HOUSE BROKER, STOP &  
STOR, NEXXON TRADING, INC., SOLUTION USA,  
INC., GAVIN FASHION, INC., KOREA EXPRESS  
USA, JKM USA, CORP., WESTY STORAGE CENTERS,  
jointly and severally,

Defendants.

-----x  
Friday, August 8, 2008  
10:21 a.m.

Reported by:  
Amy A. Rivera, CSR, RPR, CLR

<p style="text-align: right;">2</p> <p>1</p> <p>2 Deposition of IRIS SHON</p> <p>3 held at Rockefeller Group Business Center,</p> <p>4 45 Rockefeller Plaza, Suite 2000, New York,</p> <p>5 New York, pursuant to Notice, before Amy</p> <p>6 A. Rivera, a Certified Shorthand Reporter,</p> <p>7 Registered Professional Reporter, Certified</p> <p>8 LiveNote Reporter, and a Notary Public.</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">4</p> <p>1</p> <p>2 A P P E A R A N C E S (continued)</p> <p>3 ALSO PRESENT:</p> <p>4 GIRA HONG, Korean Interpreter</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">3</p> <p>1</p> <p>2 A P P E A R A N C E S:</p> <p>3 THE PARK LAW GROUP, LLC</p> <p>4 BY: HYUN SUK CHOI, ESQ.</p> <p>5 23 S. Warren Street, 2nd Floor</p> <p>6 Trenton, New Jersey 08608</p> <p>7 Attorneys for Plaintiff</p> <p>8</p> <p>9 RODRIGUEZ O'DONNELL ROSS GONZALEZ &amp; WILLIAMS</p> <p>10 BY: HENRY P. GONZALEZ, LL.M.</p> <p>11 1211 Connecticut Avenue, N.W., Suite 800</p> <p>12 Washington, D.C.</p> <p>13 Attorneys for the Top Ten Trans, Inc., GFA, INC.,</p> <p>14 and the Deponent</p> <p>15</p> <p>16 CARLE E. PERSON, ESQ.</p> <p>17 325 W. 45th Street, Suite 201</p> <p>18 New York, New York 10036</p> <p>19 Attorneys for Defendants American International</p> <p>20 Line, Inc. and Mercury</p> <p>21</p> <p>22 LAW OFFICES OF HARVEY &amp; VANDAMME</p> <p>23 BY: WILLIAM AMBROSE, ESQ.</p> <p>24 90 Broad Street, Suite 2202</p> <p>25 New York, New York 10004</p> <p>Attorneys for Defendant Stop &amp; Stor</p> <p>LAW OFFICES OF JOHN C. LANE</p> <p>BY: PETER C. BOBCHIN, ESQ.</p> <p>PMB 46013</p> <p>140 Broadway, 46th Floor</p> <p>New York, New York 10005</p> <p>Attorneys for Defendant Korea Express</p> <p>LAW OFFICES OF JEFFREY S. STEPHENS, P.C.</p> <p>BY: JEFFREY S. STEPHENS, ESQ.</p> <p>14 Duncan Drive</p> <p>P.O. Box 11177</p> <p>Greenwich, Connecticut 06831-1177</p>	<p style="text-align: right;">5</p> <p>1</p> <p>2 IT IS HEREBY STIPULATED AND AGREED by and</p> <p>3 between counsel for the respective parties hereto that</p> <p>4 all rights provided by the C.P.L.R., including the right</p> <p>5 to object to any question, except as to the form, or to</p> <p>6 move to strike any testimony at this examination, are</p> <p>7 reserved; and, in addition, the failure to object to any</p> <p>8 question or to move to strike any testimony at this</p> <p>9 examination shall not be a bar or waiver to make such</p> <p>10 motion at, and is reserved for, the trial of this</p> <p>11 action.</p> <p>12 IT IS FURTHER STIPULATED AND AGREED that</p> <p>13 this examination may be signed and sworn to, by the</p> <p>14 witness being examined, before a notary public other</p> <p>15 than the notary public before whom the examination was</p> <p>16 begun, but the failure to do so, or to return the</p> <p>17 original of this examination to counsel, shall not be</p> <p>18 deemed a waiver of the rights provided by Rules 3116 and</p> <p>19 3117 of the C.P.L.R. and shall be controlled thereby.</p> <p>20 IT IS FURTHER STIPULATED AND AGREED that</p> <p>21 the filing of the original of this examination shall be</p> <p>22 and the same hereby is waived.</p> <p>23</p> <p>24</p> <p>25</p>

2 (Pages 2 to 5)

<p>1 2 INDEX 3 WITNESS PAGE 4 IRIS SHON 5 BY MR. CHOI 7 6 EXHIBITS 7 NUMBER DESCRIPTION 8 Shon-A Business entity status report 15 9 Shon-B Shipping information 41 10 Shon-C Handwritten notes 61 11 Shon-D Handwritten notes 61 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>6 8 1 IRIS SHON 2 A. This is my first time. 3 Q. Under the Federal Rules of Civil 4 Procedure, I have the right to ask you certain 5 questions today. After I ask a question, please 6 take all the time that you feel is necessary to 7 think about the questions before you answer it. 8 A. Yes. 9 Q. We want your best recollection. And 10 as the events happened some time ago, you may need 11 time to think back. 12 If you do not understand my questions 13 or if it is in any way confusing or ambiguous or 14 if you did not hear my question, please ask me to 15 repeat it or rephrase it. 16 A. Yes. 17 Q. If I ask you a question and you feel 18 that a review of a document would be helpful to 19 you in answering, please say so. 20 If you become tired, or for any other 21 reason you would like to take a break, please let 22 me know. I only ask that the request be made 23 after an answer has been given by you if a 24 question is pending. 25 As you can see, the court reporter is</p>
<p>7 1 IRIS SHON 2 GIRA HONG, G-I-R-A, last name, H-O-N-G, a Korean 3 interpreter was duly sworn. 4 IRIS SHON, having been duly sworn through the 5 Korean interpreter, testified as follows: 6 EXAMINATION 7 BY MR. CHOI: 8 Q. Good morning, Ms. Shon. Do I 9 pronounce it correctly, your name? 10 A. Yes. 11 Q. My name is Hyun Choi. I'm with the 12 Park Law Group, and we represent Easytex 13 Corporation Ltd., the plaintiff in this 14 litigation. 15 As you know, we subpoenaed you for a 16 deposition because the plaintiff believes that you 17 may have knowledge that would be helpful in this 18 case. 19 A. Yes. 20 Q. A deposition gives the attorneys an 21 opportunity to ask you questions concerning the 22 knowledge you may have that may have a bearing in 23 this litigation. 24 A. Yes. 25 Q. Have you been deposed before?</p>	<p>9 1 IRIS SHON 2 recording everything that is said here today. To 3 assist the court reporter, I ask that we follow a 4 few rules. It is difficult for the court reporter 5 to record everything said if we both talk at the 6 same time. I'll try to be sure that I do not 7 start a new question until you have completed your 8 answer to the pending question. Please be sure to 9 allow me to fully complete the question before you 10 begin to answer. 11 Please answer the questions verbally 12 and not with nods of the head. This deposition is 13 being reduced to written form. And it is 14 difficult for the reporter to record gestures. If 15 you tend to speak rapidly -- 16 THE INTERPRETER: Speak what? 17 Q. Rapidly, please try to slow down. It 18 will give you more time to think and make the 19 reporter's job easier. 20 As you know, we also have an 21 interpreter here today, which makes the work of 22 the court reporter a bit more difficult. Please 23 be mindful that the reporter is able to record 24 only what one person says at a time. 25 Therefore, it is very important that</p>

<p style="text-align: right;">42</p> <p>1 IRIS SHON</p> <p>2 understand better maybe their client's respective</p> <p>3 roles with respect to how many shipments were</p> <p>4 inbound, how many shipments were outbound, and</p> <p>5 then reexported inbound again.</p> <p>6 MR. CHOI: That's fine. You can</p> <p>7 discuss with counsel later.</p> <p>8 BY MR. CHOI:</p> <p>9 Q. For the purposes of this deposition,</p> <p>10 could you explain what you saw from the document</p> <p>11 to me?</p> <p>12 A. I don't remember the numbers here,</p> <p>13 exact numbers. For number 1, first shipment, this</p> <p>14 was from third country to Tacoma, en route to</p> <p>15 Tacoma. The first buyer became bankrupt. The</p> <p>16 first shipment has no relevance with Mr. Chul Kyu</p> <p>17 Kim for number 2, since the buyer was not able to</p> <p>18 receive the shipment due to the bankruptcy.</p> <p>19 MR. CHOI: I'm sorry. When you say --</p> <p>20 could you, without pointing out that portion of</p> <p>21 the documents, could you identify the number and,</p> <p>22 you know, which line she is referring to for the</p> <p>23 court reporter's --</p> <p>24 A. Number 1, 2, 3. I'm indicating by</p> <p>25 Number 1, 2, 3, because they all happened</p>	<p style="text-align: right;">44</p> <p>1 IRIS SHON</p> <p>2 Shipping, they arrived around the same time and</p> <p>3 because none of these men really know Mr. Chul Kyu</p> <p>4 Kim and could not therefore trust him, so Mr. Kent</p> <p>5 Wong and Mr. Park, now I'm about to testify</p> <p>6 regarding what Mr. Park of Baro Shipping told me</p> <p>7 with respect to his conversation with Mr. Wong.</p> <p>8 So he asked me to pick up seven</p> <p>9 containers. And they asked me to find a warehouse</p> <p>10 to store these seven containers in. And when Kent</p> <p>11 Wong permits the release, that it can be released</p> <p>12 to Mr. Chul Kyu Kim, so I was prepared to pick up</p> <p>13 seven containers from the rail terminal.</p> <p>14 So I made a deal with Korea Express'</p> <p>15 warehouse. So Korea space in the rig was okay.</p> <p>16 So we made a preparation to store these shipments.</p> <p>17 To pick up these shipments, I needed to have a</p> <p>18 delivery order issued by Custom Brokers, which is</p> <p>19 DO, as well as the work order in order to pick it</p> <p>20 up from the trucking company.</p> <p>21 So I repeatedly contacted Mr. Chul Kyu</p> <p>22 Kim asking to have the DO sent to me. For nearly</p> <p>23 a day, he repeatedly said that he would not be</p> <p>24 able to release it to me. He yelled at me,</p> <p>25 repeatedly yelled and screamed all day.</p>
<p style="text-align: right;">43</p> <p>1 IRIS SHON</p> <p>2 concurrently.</p> <p>3 Q. Okay. Please go ahead.</p> <p>4 A. Number 1, again, en route to -- for</p> <p>5 Number 1, en route to Tacoma from Manila, the</p> <p>6 buyer became bankrupt. So in Tacoma, four</p> <p>7 containers were stopped.</p> <p>8 And No. 2 is about -- and due to the</p> <p>9 buyer becoming bankrupt and resulting in no one to</p> <p>10 receive the shipment, that's when I got a call</p> <p>11 from Baro asking me to arrange the shipment,</p> <p>12 return shipment to Busan. For that reason, I</p> <p>13 arranged reexport.</p> <p>14 And with respect to Number 1 and</p> <p>15 Number 2, I just explained about, we feel that</p> <p>16 neither the GFA nor the Top Ten is involved with</p> <p>17 this matter with respect to this particular</p> <p>18 lawsuit. So it was shipped back.</p> <p>19 So about Number 3, between Mr. Kent</p> <p>20 Wong, David Lou, and Mr. Park of Baro Shipping,</p> <p>21 together they sought a buyer whose name is Chul</p> <p>22 Kyu Kim. So this, the shipment that was en route</p> <p>23 to Tacoma, it arrived in New York.</p> <p>24 So upon the arrival of this shipment,</p> <p>25 Kent Wong, David Lou, and Mr. Park of Baro</p>	<p style="text-align: right;">45</p> <p>1 IRIS SHON</p> <p>2 So I told him that I was not able to</p> <p>3 pick up the shipments. This is what I said to</p> <p>4 Mr. Park of Baro Shipping, that I'm not able to</p> <p>5 pick up the shipments.</p> <p>6 So between Mr. Park and Kent Wong had</p> <p>7 discussion, for two days they retracted, they</p> <p>8 repeatedly retracted what I should do about</p> <p>9 picking up the shipment; therefore, I was not able</p> <p>10 to do anything else for two days.</p> <p>11 So Kent Wong told Mr. Park of Baro</p> <p>12 Shipping to release the seven containers to</p> <p>13 Mr. Chul Kyu Kim. So before the shipment was</p> <p>14 released, myself and my husband, along with</p> <p>15 Mr. Kent Wong, David Lou, Mr. Park of Baro</p> <p>16 Shipping had met up for dinner, and had</p> <p>17 discussions regarding this matter. And they</p> <p>18 stayed at a hotel I recommended, which is Capri</p> <p>19 Hotel, C-A-P-R-I.</p> <p>20 THE INTERPRETER: Yeah, Capri.</p> <p>21 A. So while they stayed there, and then</p> <p>22 between Mr. Wong and Mr. David Lou and Mr. Park,</p> <p>23 they repeatedly had a meeting to discuss this</p> <p>24 matter.</p> <p>25 And then finally, I received a call</p>

12 (Pages 42 to 45)

<p style="text-align: right;">46</p> <p>1 IRIS SHON</p> <p>2 from Mr. Park of Baro Shipping. While he was</p> <p>3 talking to me on the phone, he was also engaged in</p> <p>4 talking with Mr. Kent Wong. And when Mr. Kent</p> <p>5 Wong said to release the shipment, and because</p> <p>6 Baro Shipping had to collect freight charges from</p> <p>7 Chul Kyu Kim, and they said that Mr. Kim had</p> <p>8 agreed to pay that amount, so Mr. Chul Kyu Kim did</p> <p>9 pay the bill, and because it was \$140,000, he</p> <p>10 brought it in two checks. And that he urgently</p> <p>11 needed the shipment.</p> <p>12 And it was Friday, and because it</p> <p>13 was just a regular check, I wanted to have a</p> <p>14 certified check, and Mr. Kim said he's not able to</p> <p>15 issue a certified check. So because of my lack of</p> <p>16 knowledge, I wanted to know if it would be okay to</p> <p>17 receive certified check. And a few people in</p> <p>18 response to my question said that even with the</p> <p>19 certified check, the issuer could otherwise put a</p> <p>20 stop payment.</p> <p>21 And even Kent Wong told Mr. Park of</p> <p>22 Baro Shipping to release the shipment so that he</p> <p>23 could be paid and with me because this was not a</p> <p>24 certified check. And then I was told from Baro</p> <p>25 Shipping that they would assume responsibilities</p>	<p style="text-align: right;">48</p> <p>1 IRIS SHON</p> <p>2 B-O-G-A-R-A, which I'm not sure of the spelling,</p> <p>3 so we took him there.</p> <p>4 So after spending some time there, we</p> <p>5 said that we needed to go back, but Kent Wong</p> <p>6 wanted to stay more, and he did. And the next</p> <p>7 Monday, so it was like the next coming Monday, I</p> <p>8 got a call from Kent saying that he's not able to</p> <p>9 contact Mr. Chul Kyu Kim. I don't know about</p> <p>10 David Lou, but I knew Mr. Young Man Park had</p> <p>11 returned to Korea, so Kent Wong remained in the</p> <p>12 U.S. but failed to receive any monies from</p> <p>13 Mr. Chul Kyu Kim.</p> <p>14 So he contacted me repeatedly because</p> <p>15 I didn't know what was going on. So I called</p> <p>16 Hyundai Rail Terminal to find out who picked up a</p> <p>17 shipment, a company called 3 Win. It's one of the</p> <p>18 companies we also work with that there's a work</p> <p>19 relationship.</p> <p>20 So I called them. I asked where the</p> <p>21 cargoes were. So when I gave them the container</p> <p>22 numbers, they said that they are somewhere in</p> <p>23 Bronx. So all the information I got from them, I</p> <p>24 relayed to Kent. So, all of a sudden, 3 Win said</p> <p>25 that they will not be able to tell me anything</p>
<p style="text-align: right;">47</p> <p>1 IRIS SHON</p> <p>2 about this check and that it would be okay to</p> <p>3 release the shipment. So nearly at 4 p.m. on</p> <p>4 Friday, Mr. Chul Kyu Kim paid a visit to my</p> <p>5 office. So I received his check. And at that</p> <p>6 time, there was the freight of \$40,000 which had</p> <p>7 to be paid for Hyundai Marine, ocean freight, and</p> <p>8 to be paid by Top Ten.</p> <p>9 So from the carrier part, custom</p> <p>10 clearance was taken care of, and then with respect</p> <p>11 to original bill of lading, it was okay because</p> <p>12 there was a surrender and ocean freight was paid.</p> <p>13 So it was good.</p> <p>14 And now with respect to terminal, they</p> <p>15 were going to release the shipment upon the</p> <p>16 receipt of the DO, delivery order. So I released</p> <p>17 everything because I cannot pick it up myself.</p> <p>18 On Friday, Kent Wong expressed that he</p> <p>19 wanted to go to Atlantic City because he wanted to</p> <p>20 do some gambling. So all of us went to Atlantic</p> <p>21 City being, namely, Mr. Kent Wong, David Lou,</p> <p>22 Mr. Park of Baro Shipping, myself, and my husband,</p> <p>23 and my female acquaintance.</p> <p>24 So Mr. Kent Wong said that he had</p> <p>25 membership with a place called "Bogara,"</p>	<p style="text-align: right;">49</p> <p>1 IRIS SHON</p> <p>2 more. And when I said -- when I asked for the</p> <p>3 reason, they said they received an order from a</p> <p>4 company called Mercury, and that they were</p> <p>5 notified by Mercury to not release any information</p> <p>6 to Iris Shon.</p> <p>7 So I contacted Mercury thinking that</p> <p>8 it might be a fraud because Mr. Chul Kyu Kim took</p> <p>9 the shipment and disappeared. And I said I needed</p> <p>10 to know -- we needed to know where the shipments</p> <p>11 were, cargoes. I repeatedly emphasized it. So</p> <p>12 the person in charge of this at Mercury said that</p> <p>13 his customer is Mr. Chul Kyu Kim, and then he's</p> <p>14 not able to release any information to me.</p> <p>15 So at that time, I could understand</p> <p>16 his position because I'm not their customer. And,</p> <p>17 in fact, they received work order from Chul Kyu</p> <p>18 Kim, and that -- and then he is the -- he is their</p> <p>19 customer. So, you know, my -- that was the extent</p> <p>20 of my role there.</p> <p>21 So I was told that -- I met Kent --</p> <p>22 Chul Kyu Kim told me that he -- he looked into the</p> <p>23 inside of the container with Kent Wong. What I</p> <p>24 asked Mr. Kim, why he wasn't pay for his cargo.</p> <p>25 He replied, he devaning -- he devaned several</p>



<p style="text-align: right;">74</p> <p>1 IRIS SHON</p> <p>2 BY MR. CHOI:</p> <p>3 Q. So is it fair to say that Baro</p> <p>4 Shipping ordered Top Ten to release the goods?</p> <p>5 A. Mr. Park of Baro Shipping indicated to</p> <p>6 me that Kent had issued an order to release the</p> <p>7 goods to consignee, Mr. Kim, so go ahead and</p> <p>8 release the cargo.</p> <p>9 Q. Before you got the order in Baro</p> <p>10 Shipping regarding release of the goods, who held</p> <p>11 those goods?</p> <p>12 A. It was in the NJIT Terminal, New</p> <p>13 Jersey In Transit Terminal. All seven containers</p> <p>14 were at New Jersey In Transit Terminal. So we</p> <p>15 were given -- all freight companies given one free</p> <p>16 day to allow us to pick up the container without</p> <p>17 having to incur demurrages after the cargo arrival</p> <p>18 between myself and Mr. Kim and ~Mr. Wong and</p> <p>19 Mr. Park were going back and forth about whether I</p> <p>20 should pick it up or not.</p> <p>21 And then finally, as I mentioned</p> <p>22 before, on that Friday, it was decided that it</p> <p>23 was going to be released, and I released it.</p> <p>24 Q. Is it correct statement when you say,</p> <p>25 "I released it"?</p>	<p style="text-align: right;">76</p> <p>1 IRIS SHON</p> <p>2 and I think she's not correctly translating this.</p> <p>3 She did not physically release the cargo, if</p> <p>4 that's what she's saying, trying to say.</p> <p>5 BY MR. CHOI:</p> <p>6 Q. Did you physically release the goods?</p> <p>7 A. No.</p> <p>8 Q. Who released the goods physically?</p> <p>9 A. Pursuant to the Baro Shipping's</p> <p>10 instruction, I pay the ocean freight to Hyundai.</p> <p>11 That's it. That's the extent of my role. That's</p> <p>12 the extent of my role. I have to pay the ocean</p> <p>13 freight to Hyundai.</p> <p>14 It's not like I, you know, personally</p> <p>15 handed over the cargo to Mr. Kim. As indicated,</p> <p>16 an independent company called Mercury, which was</p> <p>17 hired by Mr. Chul Kyu Kim, and based upon the</p> <p>18 information, I searched the 3 Wins Trucking</p> <p>19 Company, which is also named as a defendant, one</p> <p>20 of the defendants, the 3 Wins, and based on</p> <p>21 Mercury's order, 3 Wins picked up the cargoes.</p> <p>22 It's not like I handed -- I personally</p> <p>23 handed over the freights to Mr. Kim Chul Kyu, but</p> <p>24 in order to release the cargo, all I could do was</p> <p>25 to pay the ocean freight, and that was the extent</p>
<p style="text-align: right;">75</p> <p>1 IRIS SHON</p> <p>2 A. I released it pursuant to Baro</p> <p>3 Shipping's instructions.</p> <p>4 Q. Let me clarify on this: You testified</p> <p>5 NJIT held the goods?</p> <p>6 A. Yes. Because the ocean freight had</p> <p>7 not been paid yet. Therefore, Hyundai, the</p> <p>8 freight company could not -- Hyundai, the carrier</p> <p>9 was not able to release it from the NJIT because</p> <p>10 they have to get the money and custom clearance,</p> <p>11 and then they can release the shipments to the</p> <p>12 terminal. They had the all-night service And</p> <p>13 because I did not pay ocean freight, no one could</p> <p>14 pick up from NJIT.</p> <p>15 Q. So my question: Is it correct</p> <p>16 expression when you say, "I released the goods,"</p> <p>17 when those goods were held by NJIT?</p> <p>18 A. I reiterate once again that I did --</p> <p>19 although I released it, I did not do it on my</p> <p>20 personal terms, but it was carried out pursuant to</p> <p>21 Baro Shipping's instructions.</p> <p>22 MR. GONZALEZ: I'm going to object to</p> <p>23 that. I think the translation is losing. I think</p> <p>24 she's asked and answered those questions maybe 15</p> <p>25 times already and I think the record will reflect</p>	<p style="text-align: right;">77</p> <p>1 IRIS SHON</p> <p>2 of my role in this.</p> <p>3 Q. So it is fair -- is it fair to say</p> <p>4 that after your payment of freight charge to</p> <p>5 Hyundai, then NJIT released the goods to,</p> <p>6 presumably, 3 Win?</p> <p>7 A. No. Just NJIT allowed someone to pick</p> <p>8 up. What I mean to say is that that NJIT released</p> <p>9 the goods to a trucker who had a delivery order</p> <p>10 issued by U.S. Customs. And like I said again, I</p> <p>11 wanted to have DO to pick it up because that's</p> <p>12 what Kent wanted, but it was not made available to</p> <p>13 me.</p> <p>14 Q. What is the DO?</p> <p>15 A. Delivery order. The customer</p> <p>16 indicated the delivery order that indicated the</p> <p>17 entry number, container numbers, and something</p> <p>18 like that. Chul Kyu Kim has been maintaining</p> <p>19 yelling at me and leaving it up to me to pick it</p> <p>20 up without issuing me delivery order, which was</p> <p>21 issued by U.S. Customs.</p> <p>22 Q. How is it possible to anybody who --</p> <p>23 anybody can receive the goods from NJIT without</p> <p>24 DO, delivery order?</p> <p>25 A. It's not possible.</p>

20 (Pages 74 to 77)

<p style="text-align: right;">78</p> <p>1 IRIS SHON</p> <p>2 Q. Do you believe that someone who loaded</p> <p>3 those goods at the NJIT hold and presented</p> <p>4 delivery order to NJIT?</p> <p>5 A. That's the only way to make the pickup</p> <p>6 possible. So one will require for delivery order</p> <p>7 to include entry number issued both by the</p> <p>8 carrier, Hyundai -- U.S. Customs, and that has to</p> <p>9 be, the numbers have to be consistent.</p> <p>10 It should also state the list of</p> <p>11 container numbers and, in some cases, although it</p> <p>12 varies depending upon who's handling it, but some</p> <p>13 of them require actual trucking company name on</p> <p>14 the delivery order as well.</p> <p>15 Q. Do you know who received those goods</p> <p>16 from NJIT?</p> <p>17 A. I did not know then. And Mr. Park had</p> <p>18 returned to Korea, and Kent remained here a few</p> <p>19 more days to work with me.</p> <p>20 And when I talked to Kent, I told him</p> <p>21 I'd look into this matter. So I called NJIT</p> <p>22 Terminal, Hyundai providing them with the</p> <p>23 container number. I also inquired who picked up</p> <p>24 the cargo, what trucking company. And I was told</p> <p>25 that it was -- the cargoes were picked up by 3 Win</p>	<p style="text-align: right;">80</p> <p>1 IRIS SHON</p> <p>2 and because that was this relationship, I phoned</p> <p>3 them, and -- but Mr. Kim would not pick up the</p> <p>4 phone. He was not able to reach, Chul Kyu Kim.</p> <p>5 So although Kent wanted to have these</p> <p>6 informations and I was not able to reach Mr. Kim</p> <p>7 because he wouldn't answer his phone, I had to go</p> <p>8 through these channels, which I had just</p> <p>9 described, to procure the information I needed.</p> <p>10 And by the time Kent returned to his</p> <p>11 country, so knowing that Kent wanted to have all</p> <p>12 the information, I relayed all the information to</p> <p>13 Baro Shipping such as name of the trucking company</p> <p>14 as well as CHB and Mercury. And in that, Mercury</p> <p>15 had reached an instruction to stop disclosing any</p> <p>16 more information to me.</p> <p>17 But prior to learning all these</p> <p>18 knowledges, I had been aware that we had picked up</p> <p>19 the goods, and that the first container was picked</p> <p>20 up by 3 Win and brought to a warehouse in the</p> <p>21 Bronx. And I even had the exact address from the</p> <p>22 driver, which I relayed to Kent on the phone when</p> <p>23 I directly contacted him.</p> <p>24 And then I understand between Kent and</p> <p>25 Mr. Kim worked together for some time. And on one</p>
<p style="text-align: right;">79</p> <p>1 IRIS SHON</p> <p>2 Trucking Company.</p> <p>3 So because I required to have all the</p> <p>4 relevant informations, I telephoned import</p> <p>5 customer service of Hyundai. I first asked if it</p> <p>6 went through custom clearance and inquired to know</p> <p>7 the entry number. I took down the entry number</p> <p>8 and I had believed the three digits of the entry</p> <p>9 number is authenticating numbers of custom brokers.</p> <p>10 So with those numbers, I tried to</p> <p>11 search in the Internet, and then had access</p> <p>12 information, the name of the owner of the trucking</p> <p>13 company -- no, no, custom broker -- excuse me --</p> <p>14 custom broker whose name was Soon, S-O-O-N</p> <p>15 C-H-A-N-G, last name Hong, phonetically spelled.</p> <p>16 I'm not 100 percent certain about the spelling of</p> <p>17 it, but that's close, you know, recollection I</p> <p>18 have of the name.</p> <p>19 So I learned about the trucking</p> <p>20 company from NJIT Terminal. And I was provided</p> <p>21 with the entry number from the Hyundai import</p> <p>22 customer service. And they went through Internet</p> <p>23 search to discover the name, whose name was Soon</p> <p>24 Chang Hong, CHB, and because 3 Win had a working</p> <p>25 relationship with my company, GFA, Top Ten Trans,</p>	<p style="text-align: right;">81</p> <p>1 IRIS SHON</p> <p>2 occasion, Mr. Kim did actually pick up my call --</p> <p>3 pick up a call from me, at which time, I asked him</p> <p>4 why he wasn't paying up. And as I said before,</p> <p>5 Mr. Kim, he said he devaned the container and that</p> <p>6 it was not even half full. And he said to Kent to</p> <p>7 take back everything.</p> <p>8 And that Mr. Kim also told Kent that</p> <p>9 he paid a duty and that they did a custom</p> <p>10 clearance work and that the cost, he had incurred</p> <p>11 nearly \$200,000. That's what Mr. Kim told me. So</p> <p>12 Kim, so Mr. Chul Kyu Kim said to me that -- he</p> <p>13 said to -- to Kent that he should pay up that</p> <p>14 \$200,000 and take back everything.</p> <p>15 Q. When did this series of events</p> <p>16 occur -- excuse me, sorry.</p> <p>17 MR. CHOI: When she asks a question,</p> <p>18 could you interpret it to me so that I could</p> <p>19 answer to that question?</p> <p>20 THE INTERPRETER: You're right. I was</p> <p>21 trying to expedite it, but I shouldn't have.</p> <p>22 MR. CHOI: I understand.</p> <p>23 THE INTERPRETER: I should ask. Which</p> <p>24 events?</p> <p>25 BY MR. CHOI:</p>



<p style="text-align: right;">114</p> <p>1 IRIS SHON</p> <p>2 believe --</p> <p>3 A. I don't know. Okay. Let me check (In</p> <p>4 English).</p> <p>5 Q. Could you identify the document number</p> <p>6 4?</p> <p>7 A. TOP 041.</p> <p>8 It says, freight has been paid and,</p> <p>9 i.e., that immediate export has posted.</p> <p>10 And then it says only item holding</p> <p>11 import side from being released is demurrage. The</p> <p>12 total demurrage through August 11th.</p> <p>13 Q. Okay, okay. I can understand because</p> <p>14 it's written in English.</p> <p>15 Did you pay that \$720 to HMM?</p> <p>16 A. I did.</p> <p>17 Q. Did Top Ten pay for that \$720 to HMM?</p> <p>18 A. Yes.</p> <p>19 Q. Did you get this payment -- withdrawn.</p> <p>20 After Top Ten's payment of \$720 to</p> <p>21 HMM, did Top Ten get compensated for their payment</p> <p>22 from somebody?</p> <p>23 A. We received debit net from Baro</p> <p>24 Shipping.</p> <p>25 Q. Could you identify that document?</p>	<p style="text-align: right;">116</p> <p>1 IRIS SHON</p> <p>2 MR. CHOI: Could you repeat that</p> <p>3 question?</p> <p>4 (Record read.)</p> <p>5 A. Baro Shipping indicated to me that</p> <p>6 Kent wants to know in the full status of the</p> <p>7 situation. I called the customer service import</p> <p>8 department of HMM. And asked for the entry number</p> <p>9 for custom clearance. And they provide me with</p> <p>10 one of the entry numbers. With that entry number,</p> <p>11 I did the search on the Internet to verify the</p> <p>12 name of the company. That's how I learned of the</p> <p>13 name Soon Chan Hong, and that he is the custom</p> <p>14 house broker for Chul Kyu Kim.</p> <p>15 Q. Have you spoken with Mr. Hong before?</p> <p>16 A. Never before did I ever have never</p> <p>17 spoken with Mr. Hong.</p> <p>18 Q. Have you met Mr. Hong before?</p> <p>19 A. No.</p> <p>20 Q. Do you have knowledge who selected</p> <p>21 Mr. Hong as custom broker regarding seven</p> <p>22 containers shipment?</p> <p>23 A. Okay. Just that if where 3 Win said</p> <p>24 that they were hired by Mercury, and that they</p> <p>25 were instructed not to release any information to</p>
<p style="text-align: right;">115</p> <p>1 IRIS SHON</p> <p>2 A. Number TOP 040.</p> <p>3 MR. CHOI: Thank you. I have a last</p> <p>4 question for today, but I will have -- but I will</p> <p>5 reserve the right as agreed by all counsel</p> <p>6 appearing today.</p> <p>7 We will continue this deposition for</p> <p>8 another day as agreed by other counsel and counsel</p> <p>9 present at the deposition of today. Your attorney</p> <p>10 also agreed to my request to continue this</p> <p>11 deposition for another day.</p> <p>12 MR. GONZALEZ: With the understanding</p> <p>13 that it would only be one more day.</p> <p>14 MR. CHOI: I have a last question:</p> <p>15 Q. Have you heard about the person Soon</p> <p>16 Chang Hong?</p> <p>17 A. I did not hear of him before this</p> <p>18 incident.</p> <p>19 Q. How long after the litigation</p> <p>20 commenced?</p> <p>21 A. So based on Baro's request to provide</p> <p>22 all the information, I was provided with his name</p> <p>23 from HMM.</p> <p>24 THE INTERPRETER: Can you ask that</p> <p>25 question once again?</p>	<p style="text-align: right;">117</p> <p>1 IRIS SHON</p> <p>2 me, and I have further learned that Mr. Kim had</p> <p>3 hired Mercury.</p> <p>4 Q. How about Mr. Hong?</p> <p>5 A. I called Mercury and spoke to an</p> <p>6 employee who's name is Uni who told me that she</p> <p>7 was instructed by Mr. Kim to not say anything to</p> <p>8 me and that she could not provide me with any</p> <p>9 information.</p> <p>10 Other than that, how I learned that</p> <p>11 Mr. Hong was the broker for them is because I</p> <p>12 think that Mercury certainly hired 3 Wins, and</p> <p>13 because I have never spoken with Mr. Hong before,</p> <p>14 ever, and I -- so I presume under the</p> <p>15 circumstances, that the Mercury had contacted</p> <p>16 Mr. Hong.</p> <p>17 MR. CHOI: Thank you for your answers</p> <p>18 today. Again, I reserve my right to continue this</p> <p>19 deposition for another date as agreed by counsel.</p> <p>20 And also I want to mark that Mr. Carl</p> <p>21 Person, attorney for defendants American</p> <p>22 International Line and Mercury didn't return to</p> <p>23 the deposition after he left the deposition during</p> <p>24 the morning session.</p> <p>25 Thank you. Please go ahead --</p>

30 (Pages 114 to 117)

<p style="text-align: right;">118</p> <p>1 IRIS SHON</p> <p>2 THE WITNESS: Can I say one more</p> <p>3 thing?</p> <p>4 MR. CHOI: Please, go ahead.</p> <p>5 THE WITNESS: I think the head,</p> <p>6 Mercury released all the information I needed back</p> <p>7 then. I firmly believe that none of these things</p> <p>8 could have possibly happened.</p> <p>9 MR. CHOI: Thank you, Ms. Shon. We</p> <p>10 will see you later.</p> <p>11 (Whereupon the proceedings were</p> <p>12 concluded at 5:09 p.m.)</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">120</p> <p>1</p> <p>2 STATE OF NEW YORK ) Pg. of Pgs.</p> <p>3 COUNTY OF NEW YORK )</p> <p>4 I wish to make the following changes for the</p> <p>5 following reasons:</p> <p>6 PAGE LINE</p> <p>7 _____ CHANGE: _____</p> <p>8 _____ REASON: _____</p> <p>9 _____ CHANGE: _____</p> <p>10 _____ REASON: _____</p> <p>11 _____ CHANGE: _____</p> <p>12 _____ REASON: _____</p> <p>13 _____ CHANGE: _____</p> <p>14 _____ REASON: _____</p> <p>15 _____ CHANGE: _____</p> <p>16 _____ REASON: _____</p> <p>17 _____ CHANGE: _____</p> <p>18 _____ REASON: _____</p> <p>19 _____ CHANGE: _____</p> <p>20 _____ REASON: _____</p> <p>21 _____ CHANGE: _____</p> <p>22 _____ REASON: _____</p> <p>23 _____ CHANGE: _____</p> <p>24 _____</p> <p style="text-align: center;">IRIS SHON</p> <p>25</p>
<p style="text-align: right;">119</p> <p>1</p> <p>2 oOo</p> <p>3 I, IRIS SHON, the witness herein,</p> <p>4 do hereby certify that the foregoing testimony of</p> <p>5 the pages of this deposition to be a true and</p> <p>6 correct transcript, subject to the corrections, if</p> <p>7 any, shown on the attached page.</p> <p>8</p> <p>9 IRIS SHON</p> <p>10 Subscribed and sworn to before me this</p> <p>11 _____ day of _____.</p> <p>12</p> <p>13 _____</p> <p>14 NOTARY PUBLIC</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">121</p> <p>1</p> <p>2 CERTIFICATE</p> <p>3 I, AMY A. RIVERA, a Certified Shorthand</p> <p>4 Reporter, Registered Professional Reporter, Certified</p> <p>5 LiveNote Reporter, and Notary Public of the State of New</p> <p>6 York, do hereby certify that prior to the commencement</p> <p>7 of the examination IRIS SHON was duly sworn by me to</p> <p>8 testify the truth, the whole truth and nothing but the</p> <p>9 truth.</p> <p>10 I DO FURTHER CERTIFY that the foregoing</p> <p>11 is a true and accurate transcript of the testimony as</p> <p>12 taken stenographically by and before me at the time,</p> <p>13 place and on the date hereinbefore set forth.</p> <p>14 I DO FURTHER CERTIFY that I am neither a</p> <p>15 relative nor employee nor attorney nor counsel of any of</p> <p>16 the parties to this action, and that I am neither a</p> <p>17 relative nor employee of such attorney or counsel, and</p> <p>18 that I am not financially interested in the action.</p> <p>19</p> <p>20 _____</p> <p>21 Notary Public of the State of New York</p> <p>22 My commission expires August 29, 2009</p> <p>23 License No. XI00939</p> <p>24 Dated: August 25, 2008</p> <p>25</p>

31 (Pages 118 to 121)